

REMARKS

Claims 1-3, 5-12, 14-19 and 21-26 are currently pending. By this Amendment, claims 1, 8, 15-17 and 24 are amended. Claims 4, 13 and 20 are cancelled and no new claims are added.

Applicants would like to thank the Examiner for the indication of allowable subject matter in claims 3 and 19 which currently stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

I. Claim Rejections – 35 U.S.C. §102 and §103

The Examiner has rejected claims 1-2, 5-6, 10-12, 15-18, 21-22 and 26 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,381,713 to Irvin et al. (hereinafter Irvin); and rejects claims 4, 13 and 20 under 35 U.S.C. §103(a) as being unpatentable over Irvin in view of U.S. Patent No. 6,266,350 to Ojard et al. (hereinafter Ojard); and rejects claim 7, 14, 23 under 35 U.S.C. §103(a) as being unpatentable over Irvin in view of U.S. Patent No. 6,738,634 to Shin (hereinafter Shin); and rejects claims 9 and 25 under 35 U.S.C. §103(a) as being unpatentable over Irvin in view of U.S. Patent No. 6,967,964 to Svanbro et al. (hereinafter Svanbro). Applicants respectfully traverse these rejections.

The rejections with regards to claims 4, 13 and 20 are rendered moot by their cancellation.

As noted above, the independent claims, have been amended and now positively recite, *inter alia*, a method and system for “arranging error control of packet switched data, including selecting during connection set-up conditions that apply for processing of a first part and a second part of a data in an error situation;” and “receiving the first part and the second part on separate logical connections”. These claimed features are amply supported by the embodiments disclosed in the specification.

Applicants submit that, in dramatic contrast to the claimed invention, none of the asserted references, whether taken alone or in combination, teach or suggest each and every element of the independent claims, for example independent claim 1, including the features identified above. That is, as best understood, there is simply nothing in Irvin, Ojard, Shin and Svanbro that remotely suggests the combination of “selecting during connection set-up conditions that apply for processing of a first part and a second part of a packet in an error

situation; receiving the first part and the second part on separate logical connections”, as required by claim 1, for example.

Despite the continued assertions by the Examiner, that Irvin anticipates the above limitations, a close examination of Irvin provides no support whatsoever for “processing the packets during connection setup”. In fact, and as Irvin is understood, the applied citation by the Examiner pointing to column 6, lines 20-67 and Figure 3 of Irvin, merely indicates that low-level logical associations between one or more data fields, of a specific packet are held in memory, or given to a receiving device, for example, a second processor 130b. Clearly, even if a value or status of such data characteristic (for example, a co-ordinate value set) could be determined during such a communication, this low-level, pre-protocol communication, does not anticipate the “selection during connection set-up conditions that apply for processing of a first part and a second part of a packet data in an error situation; and receiving the first part and a second part on separate logical connections. Instead, and as Irvin is understood, the reference generally provides discussion of input parameters not an upper protocol, that is managing dynamic selection-based transmission conditions.

Furthermore, Irvin does not disclose a first or second part (of a data packet) or for that matter both parts (of a data packet) being separately sent upward in a protocol stack, but instead merely makes a generalization that the whole packet may be sent onwards, or not, depending upon where in the packet the error may be perceived. See, Irvin, for example, column 3, line 27. Clearly, Irvin fails to offer even a mere suggestion about *arranging only partial transmission of packets up to the upper layers in a protocol stack*. Still further, Irvin is silent concerning any indication towards arranging the said transfer of the first part and the second part in separate logical connections as claimed in the independent claims.

For at least the reasons above, claims 1-2, 5-6, 10-12, 15-18, 21-22 and 26 are distinguishable over Irvin, and accordingly the rejection under §102 to claims 1-2, 5-6, 10-12, 15-18, 21-22 and 26 is improper and must be withdrawn. Applicants respectfully request the withdrawal of the rejection of claims 1-2, 5-6, 10-12, 15-18, 21-22 and 26 under §102 to Irvin.

None of the other applied references taken in combination with Irvin make up for the deficiencies discussed above, and accordingly fail to teach or suggest the claim combination of elements recited by the independent claims, and for example the claim combination of elements recited by amended claim 1.

With regard to Ojard; Ojard fails to teach or suggest the separation and transmission of the error control of packet-switched data, wherein the separation acts to create a first part and a second part for use with error control purposes.

For at least the reasons discussed above, Applicants submit that the combination of Irvin and Ojard fails to disclose at least the claimed combination of elements recited in amended claim 1, and the rejection over claim 4, 13 and 20 is rendered moot by their cancellation.

With regards to the combination of Irwin and Shin under §103, to claims 7, 14 and 23, the Applicants submit that none of the asserted references, whether taken alone or in reasonable combination, teach or suggest the claim combination of elements recited by any of the amended independent claims and accordingly by dependency there from, claims 7, 14 and 23 are also distinguishable not only for the fact that they depend from the independent claims but also for the additional features recited therein. Therefore, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. §103 to Irwin and Shin.

With regards to the combination of Ojard and Shin in view of Irwin under §103, to claims 8 and 24, the Applicants submit that none of the references teach or suggest the claim combination of elements recited by at least each independent claim, and accordingly based on the above reasons, dependent claims 8 and 24 which depend from the independent claims are similarly distinguishable at least for the fact that they depend from the independent claims as well as for the fact of the additional limitations recited therein. Accordingly, the Applicants respectfully assert that the combination of Ojard and Shin in view of Irwin fails to render obvious dependent claims 8 and 24. Therefore, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. §103 to Irwin, Ojard and Shin.

With regards Svanbro and Shin in view of Irwin under §103, and further applied to dependent claims 9 and 25, and for at least the above reasons, Applicants respectfully assert that combination of Svanbro and Shin in view of Irvin, fails to disclose or suggest at least the claimed combination of elements recited by each of the independent claims, and so similarly is distinguishable over the dependent claims for at least the above reasons, as well as for the additional features recited therein. Accordingly, the Applicants respectfully assert that the combination of Svanbro and Shin in view of Irvin fails to render obvious the claimed subject matter of dependent claims 9 and 25. Therefore, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. §103 to Irwin, Svanbro and Shin.

II. Conclusion

All matters having been addressed in the foregoing remarks, Applicants respectfully request the entry of this Amendment, and the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicants' Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains an issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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